

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff

v.

Civil Action No: 18-03822

CHARLES J. SCHOEFER

Defendant

PLAINTIFF'S RESPONSE TO ORDER TO SHOW CAUSE

Plaintiff, the United States of America, by its attorneys, hereby responds to the Order to Show Cause entered by the Court on January 4, 2019, why the above captioned case should not be dismissed pursuant to Fed.R.Civ.P. 4(m) for failure to served Defendant, as follows:

1. On September 6, 2018, Plaintiff commenced this action in recover of default student loans against Defendant, CHARLES J. SCHOEFER, who executed promissory notes on or about October 11, 1978, October 15, 1979 and September 3, 1980.
2. Plaintiff filed their complaint on September 6, 2018.
3. The Summons issued by the court on or about September 6, 2018, was not received by Plaintiff's counsel's office.
4. On November 7, 2018, Plaintiff filed a Praecipe to Reissue Summons, which was received on or about November 28, 2018.
5. On December 6, 2018, Plaintiff sent a waiver of service, along with the filed complaint and summons, to the Defendant and allowed the Defendant thirty days to return the waiver.
6. The waiver of service has not been returned executed by the Defendant.
7. Therefore, Plaintiff requested personal service on January 7, 2019 at the Defendant's last known address of 327 Winona Street, Philadelphia, PA 19144, which is currently pending.

WHEREFORE, Plaintiff respectfully requests that this Court not dismiss Plaintiff's case and allow for Plaintiff to effectuate service upon Defendant.

Respectfully submitted,

KML Law Group, P.C.

By: /s/Rebecca A. Solarz, Esq.
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CERTIFICATE OF SERVICE

I do hereby certify that service of the foregoing Response and Certificate of Service was made upon:

CHARLES J. SCHOEFER
327 Winona Street
Philadelphia, PA 19144-3924

by mailing a true and correct copy thereof, postage prepaid, on this 9 day of January, 2019

Respectfully submitted,
KML Law Group, P.C.

By: 

Paul Dilla, Legal Assistant
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215-627-1322